

HB5510



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5510

by Rep. Emily McAsey

SYNOPSIS AS INTRODUCED:

720 ILCS 5/17-5

from Ch. 38, par. 17-5

Amends the Criminal Code of 1961. Makes a technical change in a Section concerning deceptive collection practices.

LRB097 20456 JWD 65967 b

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 1961 is amended by changing
5 Section 17-5 as follows:

6 (720 ILCS 5/17-5) (from Ch. 38, par. 17-5)

7 Sec. 17-5. Deceptive collection practices.

8 A collection agency as defined in the ~~the~~ Collection Agency
9 Act or any employee of such collection agency commits a
10 deceptive collection practice when, with the intent to collect
11 a debt owed to an individual or a corporation or other entity,
12 he, she, or it does any of the following:

13 (a) Represents falsely that he or she is an attorney, a
14 policeman, a sheriff or deputy sheriff, a bailiff, a county
15 clerk or employee of a county clerk's office, or any other
16 person who by statute is authorized to enforce the law or any
17 order of a court.

18 (b) While attempting to collect an alleged debt,
19 misrepresents to the alleged debtor or to his or her immediate
20 family the corporate, partnership or proprietary name or other
21 trade or business name under which the debt collector is
22 engaging in debt collections and which he, she, or it is
23 legally authorized to use.

1 (c) While attempting to collect an alleged debt, adds to
2 the debt any service charge, interest or penalty which he, she,
3 or it is not entitled by law to add.

4 (d) Threatens to ruin, destroy, or otherwise adversely
5 affect an alleged debtor's credit rating unless, at the same
6 time, a disclosure is made in accordance with federal law that
7 the alleged debtor has a right to inspect his or her credit
8 rating.

9 (e) Accepts from an alleged debtor a payment which he, she,
10 or it knows is not owed.

11 Sentence. The commission of a deceptive collection
12 practice is a Business Offense punishable by a fine not to
13 exceed \$3,000.

14 (Source: P.A. 96-1551, eff. 7-1-11.)